

**ORDINANCE NO. 11-55**

ORDINANCE OF THE MAYOR AND THE CITY COUNCIL OF THE CITY OF HIALEAH, FLORIDA, AMENDING THE FUTURE LAND USE MAP FROM INDUSTRIAL AND OFFICE (MIAMI-DADE COUNTY DESIGNATION) TO MAJOR INSTITUTIONS; **PROPERTY LOCATED AT 10450 NW 168 TERRACE, HIALEAH, FLORIDA,** ZONED AU (AGRICULTURAL DISTRICT-MIAMI-DADE COUNTY DESIGNATION); REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith; PROVIDING PENALTIES FOR VIOLATION HEREOF; PROVIDING FOR A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

**WHEREAS**, the Planning and Zoning Board on April 6, 2011 recommended the proposed amendment to the Future Land Use Map of the Hialeah, Fla., Comprehensive Plan to the Hialeah City Council, subject to final approval by the Florida Department of Community Affairs ("Department") and other regulatory agencies under the alternative state review process; and

**WHEREAS**, the City Council established its intent to amend the Future Land Use Map, adopting the recommendation of the Planning and Zoning Board, through Hialeah, Fla., Resolution 11-38 (May 9, 2011) that was submitted to the Department and other regulatory agencies for approval; and

**WHEREAS**, the South Florida Regional Planning Council reviewed the proposed amendment to the Future Land Use Map and made a determination of consistency with the Regional Plan of South Florida on June 8, 2011, a copy of the amendment review is on file in the Office of the City Clerk; and

**WHEREAS**, the Department reviewed the proposed amendment for consistency with the Hialeah, Fla., Comprehensive Plan, Chapter 163, Part II, Florida Statutes, and Rule 9J-5, Florida Administrative Code, and offered no comments relation to important state resources and facilities that would be adversely impacted by this amendment on June 16, 2011, a copy of this review letter is on file in the Office of the City Clerk; and

**WHEREAS**, the South Florida Water Management District reviewed the proposed amendment on June 6, 2011 and offered no comments since the amendment

poses no significant water resource issues, a copy of this review letter is on file in the Office of the City Clerk; and

**WHEREAS**, the Florida Department of State, Division of Historical Resources, reviewed the proposed amendment on June 6, 2011 and found that the amendment had no adverse effects on historical resources, a copy of the review letter is on file in the Office of the City Clerk; and

**WHEREAS**, Miami-Dade County, through its Department of Planning and Zoning, reviewed the proposed amendment on June 16, 2011 and found it consistent with the relevant provisions of the Miami-Dade County Comprehensive Development Master Plan, a copy of the review letter is on file in the Office of the City Clerk.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND THE CITY COUNCIL OF THE CITY OF HIALEAH, FLORIDA, THAT:

**Section 1:** The Future Land Use Map is hereby amended from Industrial and Office (Miami-Dade County Designation) to Major Institutions. Property located at 10450 NW 168 Terrace, Hialeah, Miami-Dade, Florida, zoned AU (Agricultural District—Miami-Dade County Designation), and legally described as follows:

THE NORTH 100 FEET OF TRACTS 5, 12, 21 AND 28,  
AND THE SOUTH 100 FEET OF TRACTS 4, 13, 20  
AND 29, IN SECTION 17, TOWNSHIP 52 SOUTH,  
RANGE 40 EAST, FLORIDA FRUIT LANDS  
COMPANY'S SUBDIVISION NO. 1, ACCORDING TO  
THE PLAT THEREOF, AS RECORDED IN PLAT BOOK  
2, PAGE 17, OF THE PUBLIC RECORDS OF MIAMI-  
DADE COUNTY, FLORIDA.

**Section 2: Repeal of Ordinances in Conflict.**

All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

**Section 3: Penalties.**

Any person, business, association, corporation, partnership or other legal entity who violates any of the provisions of this ordinance shall receive a civil penalty, up to a maximum of \$500.00, within the discretion of the court or administrative tribunal having jurisdiction. Each day that a violation continues shall constitute a separate violation.

**Section 4: Severability Clause.**

If any phrase, clause, sentence, paragraph or section of this ordinance shall be declared invalid or unconstitutional by the judgment or decree of a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs or sections of this ordinance.

**Section 5: Effective Date.**

The effective date of this plan amendment shall be the date a final order is issued by the Department of Community Affairs or Administration Commission finding the amendment in compliance in accordance with section 163.3184, Florida Statutes, whichever occurs earlier. No development orders, development permits or land uses dependent on this amendment may be issued or commenced before it has become effective. If the Administration Commission issues an order of noncompliance, this amendment may nevertheless be made effective by adoption of a resolution affirming its effective status, a copy shall be sent to the Department of Community Affairs, Bureau of Local Planning, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100.


PASSED and ADOPTED this 9th day of August, 2011.

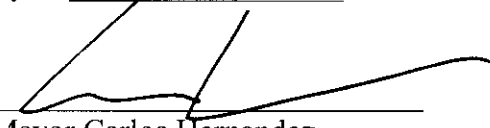
THE FOREGOING ORDINANCE  
OF THE CITY OF HIALEAH WAS  
PUBLISHED IN ACCORDANCE  
WITH THE PROVISIONS OF  
FLORIDA STATUTE 166.041  
PRIOR TO FINAL READING.

  
\_\_\_\_\_  
Isis Garcia Martinez  
Council President

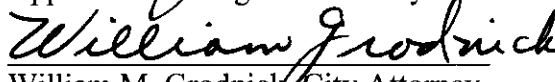
Attest:

Approved on this \_\_\_\_ day of \_\_\_\_\_, 2011.

  
\_\_\_\_\_  
David Concepcion, Acting City Clerk

  
\_\_\_\_\_  
Mayor Carlos Hernandez

Approved as to legal sufficiency and form:

  
\_\_\_\_\_  
William M. Grodnick, City Attorney

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Ordinance was adopted by a unanimous vote with Councilmembers, Caragol, Casals-Muñoz, Cue-Fuente, Garcia-Martinez, Gonzalez, Hernandez and Yedra voting "Yes".

**RESOLUTION NO. 11-38**

RESOLUTION OF THE MAYOR AND THE CITY COUNCIL OF THE CITY OF HIALEAH, FLORIDA, APPROVING THE APPLICATION REQUESTING AN AMENDMENT TO THE FUTURE LAND USE MAP FROM INDUSTRIAL AND OFFICE (MIAMI-DADE COUNTY DESIGNATION) TO MAJOR INSTITUTIONS. **PROPERTY LOCATED AT 10450 NORTHWEST 168 TERRACE, HIALEAH, FLORIDA.** ZONED AU (AGRICULTURAL DISTRICT -- MIAMI-DADE COUNTY DESIGNATION), WHICH WAS PRESENTED TO THE CITY COUNCIL AT A SPECIAL MEETING ON MAY 3, 2011; AND PROVIDING FOR AN EFFECTIVE DATE.

**WHEREAS**, an application requesting an amendment to the Future Land Use Map was presented to the City Council and was recommended for approval at the Planning and Zoning Board meeting of April 6, 2011, subject to approval by the Florida Department of Community Affairs or as otherwise provided in section 163.3184, Florida Statutes.

NOW THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF HIALEAH, FLORIDA, THAT:

**Section 1:** It is the intent of the City Council that the amendment to the Future Land Use Map, as set forth hereinbelow, after appropriate comment and public hearing, shall be considered for approval from Industrial and Office (Miami-Dade County Designation) to Major Institutions. Property located at 10450 Northwest 168 Terrace, Hialeah, Miami-Dade County, Florida, zoned AU (Agricultural District -- Miami-Dade County Designation), and legally described as follows:

THE NORTH 100 FEET OF TRACTS 5, 12, 21, AND 28, AND THE SOUTH 100 FEET OF TRACTS 4, 13, 20, AND 29, IN SECTION 17, TOWNSHIP 52 SOUTH, RANGE 40 EAST, FLORIDA FRUIT LANDS COMPANY'S SUBDIVISION NO. 1, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 2, AT PAGE 17, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA.

**Section 2: Effective Date.**

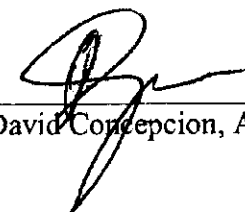
This Resolution shall become effective only upon approval of the Florida Department of Community Affairs, the state planning agency, pursuant to Chapter 163, Part II, Florida Statutes, or as otherwise provided in section 163.3184, Florida Statutes.

PASSED AND ADOPTED this 3rd day of May, 2011.

  
Carlos Hernandez  
Council President

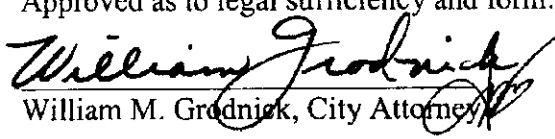
Attest:

Approved on this 9 day of May, 2011.

  
David Concepcion, Acting City Clerk

  
Mayor Julio Robaina

Approved as to legal sufficiency and form:

  
William M. Grodnick, City Attorney

Resolution was adopted by a unanimous vote with Councilmembers, Caragol, Casals-Muñoz, Cuc-Fuente, Garcia-Martinez, Gonzalez, Hernandez, and Yedra voting "Yes".